

## Message Text

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ACTION EUR-12

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P 071605Z JUL 76

FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC PRIORITY 8733

INFO USDOC WASHDC

C O N F I D E N T I A L BUCHAREST 3987

USDOC/BEWT FOR BURGESS

E.O. 11652: GDS

TAGS: EEWT, RO ESTC

SUBJ: US-ROMANIAN LONG-TERM AGREEMENT: EXPORT LICENSES

REFS: BUCH 3985; BUCH 3851; STATE 154080; STATE 167346

1. EMBASSY VERY GRATEFUL FOR PROMPT RESONSE TO BUCHAREST 3851 IN TIME FOR PATAN MEETING JULY 7, (SEE BUCH 3985) DURING WHICH PROPOSED FORMULATION WAS TABLED. WE FOUND HELPFUL ELEMENTS IN PROPOSED LANGUAGE, PARTICULARLY IN OPENING LINES RE THE "SIGNIFICANCE OF EXPORTS..."

2. BASIC ROMANIAN OBJECTION TO TYPE OF FORMULATION OFFERED IN STATE 167346 IS OUR UNWILLINGNESS TO STATE THAT WE WILL, IN ACCORDANCE WITH OUR LAWS AND REGULATIONS, GRANT OR FACILITATE LICENSES. WE FEEL THEY UNDERSTAND AND ACCEPT THE CONCEPTS EXPRESSED IN STATE 154080 AND IN STATE 167346 THAT LICENSING IS A UNILATERAL ACT AND THAT COOPERATION CANNOT BE TREATED DIFFERENTLY THAN EXPORTS. BUT ROMANIANS ARE LOOKING FOR A MORE POSITIVE ASSERTION ON OUR PART IN THE EXPORT LICENSE PROCESS. IN PARTICULAR, PATAN CITED PARA U OF THE AGREED MINUTE OF THE SECOND SESSCON JOINT ECONOMIC COMMISSION, WHICH STATES "...THE PROCESSING OF LICENSES WOULD BE FACILITATED WHERE APPROPRIATE." AS INDICATIVE OF OUR PRESENT COMMITMENT.

3. WHILE CONCURRING FULLY ON THE REASONING EXPRESSED IN PARA 1 STATE 167346, WE DO NOT SEE OUR PROPOSED LANGUAGE

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IN PARA 4 BUCH 3851 AS THAT FAR OFF THE MARK. BY CHANGING

THE WORDS "TO GRANT" TO SOMETHING MORE ALONG THE LINES OF THE AGREED MINUTE LANGUAGE AND BY EQUATING ZTRADE" WITH "COOPERATION," WE SEE PARA 4, BUCH 3851, OR VARIATIONS THEREOF, AS PROVIDING MUCH THE SAME PROTECTION AS THAT FOUND IN LATEST FORMULATION.

4. ACCORDINGLY WE WOULD APPRECIATE REACTIONS TO THE FOLLOWING FORMULATIONS EACH OF WHICH, WE FEEL, MEETS THE CONCERNS EXPRESSED.

(A) THE PARTIES RECOGNIZE THE SIGNIFICANCE OF EXPORTS FOR THE SUCCESSFUL ACHIEVEMENT OF TRADE AND COOPERATION ACTIVITIES BETWEEN THEIR FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS. IN LIGHT OF THE ABOVE EACH PARTY, WHERE APPROPRIATE, SHALL FACILITATE THE PROCESSING OF EXPORT LICENSES FOR TECHNOLOGY, MACHINERY AND EQUIPMENT IN CONFORMITY WITH ITS LAWS, REGULATIONS AND INTERNATIONAL UNDERTAKINGS.

(B) EACH PARTY, IN ACCORDANCE WITH ITS NATIONAL INTEREST AND SECURITY AND IN CONFORMITY WITH ITS LAWS AND REGULATIONS, SHALL FACILITATE THE PROCESSING OF EXPORT LICENSES FOR TECHNOLOGY, MACHINERY AND EQUIPMENT, WHERE APPROPRIATE AND NECESSARY FOR THE FULFILLMENT OF MUTUALLY ADVANTAGEOUS TRADE AND COOPERATION BETWEEN FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE TWO COUNTRIES.

5. WE FEEL BOTH OF THESE FORMULATIONS ARE PHRASED:

(A) TO PROTECT OUR OBLIGATIONS UNDER BOTH US LAW AND INTERNATIONAL COMMITMENTS;

(B) TO AVOID IMPLICATION OF MORE FAVORABLE CONSIDERATION FOR ROMANIA (IN SUBSTANCE OR IN PROCESSING TIME) THAN THAT WHICH ROMANIA NOW RECEIVES (I.E., NO "ROMANIAN DIFFERENTIAL" CREATED).

(C) TO SHOW THAT EXPORTS ASSOCIATED WITH COOPERATION ACTIVITIES RECEIVE THE SAME LICENSING TREATMENT AFFORDED TO STRAIGHT EXPORTS OR OUTRIGHT EXPORT SALES.

6. WE LEAN TOWARD FIRST FORMULATION (PARA 4 A) SINCE IT COMBINES BOTH THE POSITIVE INTRODUCTORY PORTION OF WASHINGTON PROPOSAL WITH LANGUAGE OF AGREED MINUTE  
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## Message Attributes

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